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AFFIDAVIT

I, Douglas B. Wojcieszak, do hereby depose and state:

1. I live at 126 Bayfield Court, Glen Carbon, Illinois 62034.

2. I am a partner in Tactical Consulting Public Relations. I graduated from University of Illinois in 1996. I spent approximately four years working with the Illinois House Republican staff in Springfield. At the request of counsel for Michael E. Avery, I conducted research consisting of electronic data bank searches of newspaper columns and advertising, campaign donation disclosure forms and website review of various organizations.

In January of 2000, on or about that date, I left the House Republican Staff to become the new executive director for Illinois Lawsuit Abuse Watch, a tort reform group. I was interviewed for this job by Ed Murnane, President of the Illinois Civil Justice League. It was the first time I met him. During the interview, Ed Murnane told me how he was chiefly responsible for most of the successful tort reform activities in 1994 and 1995 in Illinois. With the Supreme Court overruling caps in 1997 there was a new push to try to get tort reform back on the radar screen in Illinois, he was responsible for this, and he needed a person to join him and it ultimately ended up being me.

3. I came to Chicago in 2000 to head up Illinois Lawsuit Abuse Watch. I reported to Ed Murnane. I came to understand a lot about Murnane's organization and who funded him. One of the companies that had intimate involvement with the Illinois Civil Justice League was State Farm Insurance. State Farm Insurance was a large supporter and a large funder. Bill Shepherd, State Farm attorney and lobbyist, was in

regular, close contact with Ed about different activities. I saw Bill at several Civil Justice League meetings during 2000 in Chicago and he was part of many conference calls as well. I also heard Ed Murnane mention Edward Rust's name on several occasions.

4. The Civil Justice League was then and continues to be very intimately involved with the business leadership of Illinois: Illinois Chamber of Commerce; Illinois Business Roundtable; American Tort Reform Association; U.S. Chamber of Commerce; Illinois Manufacturers Association, and other large groups. State Farm is a member of these groups.

I went to two national tort reform meetings with Ed Murnane in Washington D.C. Ed sits on the board of the American Tort Reform Association, of which State Farm is a member.

The Illinois Chamber of Commerce Lobbyist, Todd Maisch, is the head of Ed Murnane's PAC which is known as JUSTPAC. A State Farm Vice-President (Peggy Echols) sits on the Illinois Chamber Board of Directors.

5. I learned that the Civil Justice League was the hub of tort reform activities in the state that involved all Illinois corporations and State Farm was a leader in those corporations supporting the Civil Justice League. Murnane often said that State Farm was a big benefactor. Murnane often said it was very hard to get a donation out of Allstate but State Farm was very generous with the group. Murnane made many of his remarks about State Farm during conversations he initiated with me about the Avery verdict. Murnane was very upset about the verdict and I heard him remark about his view of the unfairness of the result, that it was frivolous and should be overturned.

6. I left Illinois Lawsuit Abuse Watch in February of 2001, but I stayed in contact with my various

contacts and colleagues because I returned to the Illinois House Republican Staff. We also had a lot of mutual friends. I helped find a new director for Illinois Lawsuit Abuse Watch in 2002 and again in 2003. I knew about the activities of Illinois Lawsuit Abuse Watch and the Illinois Civil Justice League throughout this period as many of the people had been in their positions for several years and I maintained my contacts with the House Staff and other mutual friends. I left the House Staff in November of 2001 and began working with Fox Development developing a research park in Champaign, Illinois. I continued with Fox Development until December of 2002. Thereafter, I became the Executive Director for a small cooperative and in July of 2003 started Tactical Consulting, LLC.

7. In the Fall of 2003 I was contacted by both Ed Murnane and Bill Shepherd within a few days of each other. Ed Murnane offered me the position as campaign manager for Lloyd Karmeier. Murnane said that Bill Shepherd (a State Farm lawyer and lobbyist) heard that I might be looking for a job and Shepherd told Murnane to contact me regarding the Karmeier campaign position. Murnane said he recruited Karmeier and was leading the election and fundraising activities for Karmeier. He said he needed a local Southern Illinois person to help him run the Karmeier campaign. Murnane said he made regular trips to Southern Illinois to manage the Karmeier campaign and associated tort reform efforts.

Bill Shepherd offered me a position with Citizens for a Sound Economy. Shepherd said to me that State Farm puts a lot of money into Citizens for a Sound Economy, just like they do for the Illinois Civil Justice League, the American Tort Reform Association and other groups, and State Farm wanted to have an Illinois person head up an Illinois chapter of Citizens for a Sound Economy to help with all the tort reform activities in the state.

Murnane was obviously aware of Shepherd's offer and Murnane encouraged me to take the Karmeier job for a couple of months to try it out, and if I didn't like it to take the Citizens for Sound Economy position with Shepherd. Obviously, Murnane and Shepherd were in close communication. Ed Murnane said he and Bill Shepherd have conference calls on Friday mornings and they talk a lot outside of those conference calls as well.

I turned down both these job offers but I still had my connections within the tort reform circles and knew Ed Murnane was calling all the shots in the Karmeier campaign during 2003 and 2004.

8. Plaintiff, AVERY, has filed a Motion to Disqualify or recuse Justice Lloyd Karmeier and in connection with that Motion has filed a "Supporting Record" as noted in Paragraph 2 above.

Each and every copy is a true and accurate print-out of the information obtained in my research and investigation.

Further affiant sayeth not.

1s1 Douglas B. Wojcieszak
Douglas B. Wojcieszak

SUBSCRIBED AND SWORN to before
me this 25 day of January,
2005.

Michaline J. Robitz

NOTARY PUBLIC

"OFFICIAL SEAL"

Michaline J. Robitz

Notary Public, State of Illinois

My commission Expires Sept. 4, 2005

(3)
No. 05-842

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IN THE
Supreme Court of the United States

MICHAEL E. AVERY, ET AL., ON BEHALF OF THEMSELVES AND ALL
OTHERS SIMILARLY SITUATED,

Petitioners,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF ILLINOIS**

**BRIEF AMICI CURIAE OF 12 ORGANIZATIONS CONCERNED
ABOUT THE INFLUENCE OF MONEY ON JUDICIAL INTEGRITY,
IMPARTIALITY, AND INDEPENDENCE
IN SUPPORT OF PETITIONERS**

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Cases

<i>Ackerman v. Ky. Jud. Retirement & Removal Comm'n</i> , 776 F. Supp. 309 (W.D. Ky. 1991)	16
<i>Alaska Right to Life Pol. Action Comm. v. Feldman</i> , 380 F. Supp. 2d 1080 (D. Alaska. 2005)	16
<i>Buckley v. Valeo</i> , 424 U.S. 1 (1976)	13
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<i>Cox v. Louisiana</i> , 379 U.S. 559 (1965)	12
<i>Dimick v. Republican Party of Minnesota</i> , 2006 WL 152093 (U.S. Jan. 23, 2006) (No. 05-566)	17
<i>In re Dunleavy</i> , 838 A.2d 338 (Me. 2003)	17
<i>In re Fadeley</i> , 802 P.2d 31 (Or. 1991)	16
<i>In re Kinsey</i> , 842 So.2d 77 (Fla.)	16
<i>In re Murchinson</i> , 349 U.S. 133 (1955)	20
<i>In re Raab</i> , 793 N.E. 2d 1287 (N.Y. 2003)	17
<i>In re Watson</i> , 794 N.E. 2d 1 (N.Y. 2003)	16
<i>McConnell v. FEC</i> , 540 U.S. 93 (2003)	12
<i>Nixon v. Shrink Missouri Gov't PAC</i> , 528 U.S. 377 (2000)	13
<i>North Dakota Family Alliance v. Bader</i> , 361 F. Supp. 2d 1021	15, 16
<i>Republican Party of Minn. v. White</i> , 536 U.S. 765 (2002)	<i>passim</i>
<i>Republican Party of Minnesota v. White</i> , 416 F.3d 738 (8th Cir. 2005) (en banc)	11, 16, 17

Stretton v. Disciplinary Bd. of the Supreme Ct. of Penn., 944 F.2d 137 (3d Cir. 1991)..... 16

Weaver v. Bonner, 309 F.3d 1312 (11th Cir. 2002)..... 16, 17

Codes

[American Bar Association's Model Code of Judicial Conduct],
[www.abanet.org/judicialethics/resources/
 resources_state.html](http://www.abanet.org/judicialethics/resources/resources_state.html)..... 14

Model Code of Jud. Conduct Canon 5 (1990),
www.abanet.org/cpr/mcjc/canon_5.html 15

Model Code of Jud. Conduct Canon 5 (Final Draft Report, Dec. 14, 2005), www.abanet.org/judicialethics/Canon5Final.pdf..... 15

Maine Code of Jud. Conduct, Pmbl..... 15

N.Y. Code of Jud. Conduct, Pmbl. 15

Other Authorities

AutoMuse, *DeLay Gets New Judge but State Farm Keeps Karmeyer?* (Nov. 3, 2005), at
[http://www.vehicleinfo.com/AutoMuse/archives/2005/10/j
 ustice_for_sal.html](http://www.vehicleinfo.com/AutoMuse/archives/2005/10/justice_for_sal.html)..... 8

Brief of *Amicus Curiae* Concerned Corporations in Support of
 Petitioners, *Dimick v. Republican Party v. Minn.*, No. 05-566 (U.S.
 Jan. 4, 2006), 2006 WL 42102..... 11, 12

Peter Callaghan, *Why Donations in Judicial Races Demand Limits*,
The News Trib., Jan. 20, 2006 10

Center for State Policy and Leadership at the University of Illinois
 at Springfield, *Illinois Statewide Survey on Judicial
 Selection Issues* (Winter 2004–05), at
<http://www.ilcampaign.org/analysis/reports/2005.asp> 8

Lyle Denniston, *A Constitutional Duty to Recuse?*, at
[http://scotusblog.com/movabletype/archives/2005/12/25-
 week/](http://scotusblog.com/movabletype/archives/2005/12/25-week/) 8

- Matthew Eisley, *Code Loosens Grip on Judges*, Raleigh News & Observer, Sept. 20, 2003 18
- Former Vegas Judge Censured*, Assoc. Press Alert—Political, June 30, 2005, available at <http://www.krnv.com/Global/story.asp?S=3546295&nav=8faObgVv> 11
- J.J. Gass, *After White: Defending and Amending the Canons of Judicial Ethics* (Brennan Center for Justice 2004)..... 17, 18
- Georgia Supreme Court Website at http://www.gqrr.com/articles/1617/1412_JAS_ntlsurvey.pdf 18
- Deborah Goldberg *et al.*, *The New Politics of Judicial Elections 2002* (Justice At Stake 2004) 3, 4
- Deborah Goldberg *et al.*, *The New Politics of Judicial Elections 2004* (Justice At Stake 2005) *passim*
- Deborah Goldberg *et al.*, *The New Politics of Judicial Elections* (Justice At Stake 2002) 3
- Greenberg Quinlan Rosner Research & American Viewpoint, *Justice At Stake Frequency Questionnaire* (2001), http://www.gqrr.com/articles/1617/1412_JAS_ntlsurvey.pdf..... 8, 9
- Greenberg Quinlan Rosner Research & American Viewpoint, *Justice At Stake State Judges Frequency Questionnaire* (2002), http://www.gqrr.com/articles/1617/1411_JAS_judges.pdf..... 10
- Illinois State Board of Elections Website at <http://www.elections.il.gov/CampaignDisclosure/CommitteeDetail.aspx?id=18352> 5
- Illinois Judges: Buying justice?*, St. Louis Post-Dispatch, Dec. 20, 2005 9

- Institute on Money in State Politics, Justice Karmeier, *at*
<http://followthemoney.org/database/StateGlance/candidate.phtml?si=200414&c=395909>..... 5
- Institute On Money In State Politics, State At A Glance: Alabama
 2004, Judicial Elections, *at*
http://www.followthemoney.org/database/StateGlance/state_judicial_elections.phtml?si=20042.....6
- Institute On Money In State Politics, State At A Glance:
 Pennsylvania 2003, Judicial Elections, *at*
http://www.followthemoney.org/database/StateGlance/state_judicial_elections.phtml?si=200338.....7
- Justice at Stake Campaign, March 2004 Survey Highlights:
 Americans Speak Out On Judicial Elections (2004)..... 7
- Ryan Keith, *Spending for Supreme Court Renews Cry for Finance Reform*, Assoc. Press (AP Wire), Nov. 3, 2004 10, 20
- Petitioners' Petition for Certiorari, *Avery v. State Farm Mut. Auto. Ins. Co.*, No. 05-842 4, 5
- Texans for Public Justice, *Pay to Play: How Big Money Buys Access to the Texas Supreme Court*, <http://www.tpj.org/docs/2001/04/reports/paytoplay/index.htm>..... 12
- Rachael Weiss, *Fringe Tactics: Special Interest Groups Target Judicial Races* 11 (The Institute On Money In State Politics 2005), <http://www.followthemon ey.org/press/Reports/200508251.pdf>.....5, 6
- Alexander Wohl, *Justice for Rent*, The Am. Prospect (May 22, 2000).....11

STATEMENT OF INTEREST¹

This *amicus curiae* brief in support of Petitioners is filed on behalf of twelve nonprofit, nonpartisan organizations:

Brennan Center for Justice at NYU School of Law; Campaign Legal Center; Center for Governmental Studies; Common Cause; Democracy Matters; The Greenlining Institute; League of Women Voters of the United States; National Association of State PIRGs; National Voting Rights Institute; North Carolina Center for Voter Education; Ohio Citizen Action; and TheRestofUs.org.

These *amici curiae* have for many years studied campaign fundraising and spending practices in judicial, legislative, and executive branch elections in states across the nation. Descriptions of each of the organizations are included in an appendix to this brief. All of the *amici* share a concern about the threat that skyrocketing judicial election fundraising poses to the integrity, impartiality, and independence of the judiciary and thus to the ability of elective state courts to guarantee due process of law to the litigants who come before them. Because there is widespread uncertainty about the reliability of traditional due process safeguards embodied in canons of judicial ethics, *amici* recognize a dire need for guidance from this Court regarding the role of recusal in ensuring due process of law and, thus, support the petition for a writ of certiorari.

SUMMARY OF ARGUMENT

National data show recent dramatic increases in fundraising by candidates for state judicial office. As this case demonstrates, the huge and increasing influx of money into judicial campaigns presents serious due process concerns. With large campaign expenditures becoming a virtual prerequisite for election to judicial office, candidates are raising contributions from the most readily available source—lawyers and parties with cases before the courts. As a result, confidence in fair and impartial courts is suffering. States urgently need mechanisms through which they can further their compelling interest in

¹ No counsel for a party authored any part of this brief. No person or other entity other than *amici* Brennan Center for Justice at NYU School of Law and the Campaign Legal Center contributed monetarily to the preparation and submission of this brief. Letters of consent from all parties to the filing of this brief have been filed with the Clerk of this Court.

combating real and perceived corruption in the judicial system related to large campaign contributions.

The increasing import of money in judicial elections has combined with widespread uncertainties surrounding the canons of conduct to place States and litigants in an extremely precarious position. Fundamental due process interests are in jeopardy and few options are available to safeguard them. This case thus presents an important opportunity for the Court to provide guidance as to the circumstances in which the Due Process Clause of the Fourteenth Amendment requires recusal.

ARGUMENT

I. THE RECENT DRAMATIC INCREASE IN STATE JUDICIAL FUNDRAISING PRESENTS SIGNIFICANT DUE PROCESS CONCERNS.

The simple fact that judges on state high courts across the United States are selected by election does not, in and of itself, implicate due process concerns. The undeniable trend of rapidly increasing campaign finance activity in judicial elections, however, does. Judicial candidates are not only shattering total fundraising records, but also soliciting and receiving very large individual contributions. This increasing role of money in judicial election campaigns threatens the due process rights of all persons appearing before elective courts.

A. Levels of Campaign Fundraising Are Rising in the Thirty-Eight States That Conduct Elections for Their Supreme Courts.

The large amount of money spent in the 2004 campaign for Illinois Supreme Court Justice is by no means unique to the State of Illinois. Illinois is just one of thirty-eight states that elect their high court justices. Deborah Goldberg *et al.*, *The New Politics of Judicial Elections 2004*, vi (Justice At Stake 2005), available at <http://www.JusticeatStake.org/files/NewPoliticsReport2004.pdf> [hereinafter *New Politics 2004*]. The trend towards high levels of judicial campaign fundraising in those states began in the late 1990s. The 1999–2000 election cycle marked a watershed year for judicial election fundraising and spending. During the 1999–2000 cycle, state supreme court candidates raised

\$45.6 million—61 percent more than was raised in the 1997–98 election cycle, and more than double the amount raised in 1994. Deborah Goldberg *et al.*, *The New Politics of Judicial Elections*, 7 (Justice At Stake 2002), available at <http://www.justiceatstake.org/files/JASMoneyReport.pdf> [hereinafter *New Politics 2000*]. Judicial candidates in the past three election cycles (1999–2004) raised \$123 million, compared to \$73.5 million raised by candidates during the three election cycles preceding 1999 (1993–98). *Id.* at 13. And over 40 percent of states that hold contested supreme court elections (9 of 22) broke aggregate candidate fundraising records in the 2003–04 election cycle. *Id.*

The skyrocketing totals raised in judicial campaigns correspond to the dramatic increase in fundraising by individual judicial candidates. During the 2001–02 election cycle, supreme court candidates in seven states raised more than \$1 million. Deborah Goldberg *et al.*, *The New Politics of Judicial Elections 2002*, 19 Fig. 9 (Justice at Stake 2004), at 2002 Report: at <http://faircourts.org/files/NewPoliticsReport2002.pdf> [hereinafter *New Politics 2002*]. That number rose to 11 states in the 2003–04 election cycle. *New Politics 2004* at 14, Fig. 9.

Alabama and Illinois are stark examples of high individual campaign fundraising in judicial elections. In 2000, the race for Alabama Supreme Court justice set a judicial fundraising record of over \$4.8 million, *id.* at 32 n.35, and judicial campaign fundraising in Alabama has continued to grow rapidly. Eleven judicial candidates raised a combined \$7.5 million in Alabama's 2004 Supreme Court election. *Id.* at 15. Since 1993, Alabama Supreme Court candidates have raised an aggregate of more than \$40 million. *Id.*

The 2004 race for Illinois supreme court justice, however, dwarfs the fundraising achieved in all other prior judicial elections. Justice Karmeier and Judge Gordon Maag combined to raise over \$9.3 million in political contributions—nearly double the previous record of over \$4.8 million set in Alabama in 2000. *Id.* at 14–15.

This recent explosion in fundraising is not surprising, for the candidate with the most funds in a race generally wins the election, and the cost of winning has rapidly increased. In 2003–04, 35 of 43 high court races were won by the candidate who

raised the most funds, a success rate of 81 percent. *Id.* at 16. The average cost of winning a judicial election campaign hit new high marks in the 2003–04 cycle as well. Among winning supreme court candidates who raised funds for their 2003–04 elections, the average amount raised was \$651,586—a 45 percent increase from the 2002 average of \$450,689. *Id.* at 14. The fundraising disparity between winning and losing candidates also grew substantially from 2002 to 2004. The 43 winners who raised funds in the 2003–04 election cycle received over \$27 million, while the losing candidates raised \$19 million. *Id.* at 13. By comparison, 63 winning candidates in the 2001–02 cycle raised approximately \$15.5 million, while losing candidates raised \$13.5 million. *New Politics 2002* at 15, available at 2002 Report: at <http://faircourts.org/files/NewPoliticsReport2002.pdf> [hereinafter *New Politics 2002*].

In order to achieve the high levels of fundraising now needed to be competitive, judicial candidates must increasingly depend on large contributors to support their campaigns. And the largest contributors are often precisely those individuals and interest groups with business before the courts. For the 2004 supreme court elections, business groups and lawyers contributed a combined \$27.4 million, constituting 59% of all contributions. *New Politics 2004* at 20, Fig. 14. Such contributions, however, are not always easy to trace. Some contributors obscure their identities by making contributions to organizations that then pass the contributions on to the desired recipient candidate. Accordingly, and as just one example, funds from political parties, the next largest contributors after business and lawyers, may also come from the same interest groups with business before the courts who contributed to the candidates directly.

The 2004 Illinois Supreme Court race is a prime example of this phenomenon. As detailed by Petitioner in this case, “over \$350,000 of direct donations to Justice Karameier’s campaign could be directly traced to State Farm’s employees, lawyers, or *amicus* and lawyers representing *amicus*.” Pet. at 9 (emphasis in original). In addition to these direct contributions, Justice Karameier received millions of dollars in contributions from groups financed in part or affiliated with State Farm. *Id.* at i. For example, Justice Karameier received \$1.9 million in contributions from the Illinois Republican Party, which received over \$2 million

from the U.S. Chamber of Commerce. *New Politics 2004* at 26, Fig. 17. Employees at State Farm were directors of the U.S. Chamber of Commerce. See Pet. at 8. Justice Karmeier also received nearly \$1.2 million in contributions from the Illinois Civil Justice League's political committee, JUSTPAC.² The largest contributors to JUSTPAC included the American Tort Reform Association (\$415,000), the U.S. Chamber and the Illinois Chamber of Commerce (\$200,000), and the Coalition for Jobs, Growth and Prosperity (\$150,000). Rachael Weiss, *Fringe Tactics: Special Interest Groups Target Judicial Races* 11 (The Institute On Money In State Politics 2005), <http://www.followthemoney.org/press/Reports/200508251.pdf> [hereinafter *Fringe Tactics*]. State Farm was a member of and contributor to both the American Tort Reform Association and the Illinois Coalition for Jobs, Growth and Prosperity. Pet. at 8 n.3.

Justice Karmeier's opponent, Judge Gordon Maag, received \$2.8 million in contributions from the Illinois Democratic Party, \$1.2 million from Justice For All PAC, and more than \$50,000 from the Illinois State Federation of Labor.³ The Illinois Democratic Party received almost \$2 million from lawyers and law firms. *New Politics 2004* at 27, Fig. 8. Justice For All PAC's \$1.2 million in contributions to Judge Maag constituted the entirety of its political expenditures in 2004.⁴ The organization received a combined \$670,000 from an Illinois law firm, Simmons Firm LLC, and one of its attorneys, Randall A. Bono.⁵ Justice for All PAC also received more than \$90,000 in contributions from

² Campaign contribution information for judicial elections around the nation can be found on the Web site of the Institute On Money In State Politics (<http://www.followthemoney.org>). Specific information regarding contributions to Justice Karmeier can be found at: <http://followthemoney.org/database/StateGlance/candidate.phtml?si=200414&c=395909>.

³ Contributor information for Justice For All PAC can be found on the Illinois State Board of Elections Web site: <http://www.elections.il.gov/CampaignDisclosure/CommitteeDetail.aspx?id=18352>.

⁴ <http://www.elections.il.gov/CampaignDisclosure/CommitteeDetail.aspx?id=18352>.

⁵ *Id.*

attorney Stephen N. Tillery, and a \$50,000 contribution from attorney Barry Julian.⁶

Large contributions to judicial candidates were not unique to Illinois; nor was the use of pass-through organizations to obscure the individual contributor's identity. In Alabama, judicial candidates in the 2003–04 election cycle raised a combined total of \$7.4 million, and three candidates raised more than \$1 million each—Justice Michael F. Bolin, Jean Brown, and Justice Patti M. Smith.⁷ Justice Bolin received \$540,000 from Progress PAC, \$182,000 from Alabama Pro Business PAC, \$135,500 from Alabama Civil Justice Reform, and \$107,000 from the Auto Dealers Association of Alabama.⁸ Jean Brown received \$265,000 from Progress PAC, \$135,000 from the Auto Dealers Association of Alabama, and \$64,500 from Alabama Civil Justice Reform.⁹ Justice Smith received \$490,000 from Progress PAC, \$107,000 from the Auto Dealers Association of Alabama, and \$72,000 from Alabama Civil Justice Reform.¹⁰ Each of these candidates received at least twenty contributions of \$10,000 or more. Alabama Civil Justice Reform, which gave more than \$270,000 to these three candidates, is a nonprofit corporation prominent in Alabama's lawsuit liability debate that received a total of \$203,500 from five banking corporations in 2004. *Fringe Tactics* at 8.

Similarly, in Pennsylvania, where supreme court candidates raised more than \$3.3 million in the state's 2003 supreme court election, two candidates raised more than \$1

⁶ *Id.*

⁷ Institute On Money In State Politics, *State At A Glance: Alabama 2004, Judicial Elections*, at http://www.followthemoney.org/database/StateGlance/stat_judicial_elections.phtml?si=20042.

⁸ *Id.*, Candidates, Bolin, Michael F., at <http://www.followthemoney.org/database/e/StateGlance/candidate.phtml?si=20042&c=396050>.

⁹ *Id.*, Candidates, Brown, Jean, at <http://www.followthemoney.org/databse/StateGlance/candidate.phtml?si=20042&c=396051>.

¹⁰ *Id.*, Candidates, Smith, Patti M., at <http://www.followthemoney.org/database/StateGlance/candidate.phtml?si=20042&c=396067>.